

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

ADAN MANUEL VALDEZ,

Plaintiff,

1:15-cv-01626-MC

v.

ORDER

JACKSON COUNTY SHERIFF,
et al.,

Defendants.

McShane, District Judge.

Plaintiff, an inmate in the custody of the Oregon Department of Corrections filed a complaint under 42 U.S.C. § 1983, alleging that defendants violated his rights by beating him and opening his legal mail while he was incarcerated in the Jackson County Jail.

Before the court is defendants' motion for summary judgment (#18).

On September 9, 2016, plaintiff was sent a Summary Judgment Advice Notice advising him of the federal summary judgment standards and requirements. On September 29, 2016,

plaintiff filed a "Response in Opposition to Summary Judgment" (#20). However, plaintiff's response argues matters that are not at issue in this case and pertain to a separate case he filed alleging that he was exposed to MRSA while incarcerated in the Jackson County Jail, That case, 1:14-cv-00258-MC was dismissed by Order (#82) and Judgment (#83) entered September 22, 2016. Plaintiff has not filed a response on the merits to the motion for summary judgment before the court.

The Declaration of Ryan Kirchoff and exhibits attached to defendants' motion establish that while incarcerated in the Jackson County Jail, plaintiff filed a grievance alleging that he had been beaten. An investigation that included interview of the people involved and a "video" of the incident did not support plaintiff's claim that he'd been assaulted and the grievance The incident report indicates that after threatening to "sucker punch" a deputy, plaintiff was placed in handcuffs and administrative segregation. There was no evidence that he was "beaten."

There is nothing in the record before the court to support plaintiff's allegation that he was "beaten" or that his mail was opened or mishandled.

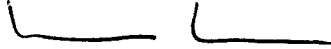
Plaintiff's "bald assertions" unsupported by any facts or evidence are insufficient to defeat a motion for summary judgment. F.T.C. v. Stefanchik, 559 F.3d 294, 929 (9th Cir.

2009).

There are no genuine issues of material fact regarding plaintiff's claims. Defendants are entitled to judgment as a matter of law. Defendants' Motion for Summary Judgment (#18) is allowed. The Clerk of the Court is directed to enter a judgment dismissing this proceeding.

IT IS SO ORDERED.

DATED this 7th day of December, 2016.



Michael McShane
United States District Judge